

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)
Plaintiff,)
V.) NO. 3:12-CR-112
) JUDGE VARLAN
TONY EDWIN McCLURG)
Defendant.)

SENTENCING MEMORANDUM

The defendant, Tony McClurg, by and through counsel, asks the Court to consider the following with regard to the entry of judgment and sentence in his case. He has no objections to the Presentence Report filed in his case.

Mr. McClurg has pled guilty to a single count of being a felon in possession of a firearm. As noted in the Presentence Report , although his advisory guideline range is 168 to 210 months, he qualifies for an enhanced sentence under the Armed Career Criminal Act and thus faces a range of 180 to 210 months. [PSR ¶ 60]. In anticipation of this outcome, Mr. McClurg negotiated a plea agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure recommending a sentence of 180 months. He respectfully requests that the Court find this sentence to be an appropriate disposition in his case.

As noted in the Presentence Report, Mr. McClurg suffers significant physical disabilities and would benefit from medical care while in the custody of the Bureau of Prisons. [PSR ¶ 51]. He would also benefit from substance abuse treatment and asks the Court to recommend that he be allowed to participate in the Residential Drug Abuse

Program (RDAP) while incarcerated. [PSR ¶ 53]. He also hopes to acquire his GED and gain job skills so as to be a productive member of society when released from custody. [PSR ¶¶ 53, 54].

Respectfully submitted this 19th day of February, 2013.

FEDERAL DEFENDER SERVICES
OF EASTERN TENNESSEE, INC.

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COUNSEL FOR THE DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2013, a copy of the foregoing Sentencing Memorandum was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

s/ Paula R. Voss

Paula R. Voss